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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2 290 BROADWAY NEW YORK, NY 10007-1866

NOV 1 3 2014

<u>CERTIFIED MAIL – RETURN RECEIPT REQUESTED</u> Article Number: 7005 3110 0000 5964 2702

Mr. David Schwartz, Administrator U.T.A Mesivta of Kiryas Joel 48 Bakertown Road, Unit No. 501 Monroe, New York 10950

Re: Request for Information

Docket No. CWA-IR-15-010

EPA Reconnaissance Inspection September 18, 2014

U.T.A Mesivta of Kiryas Joel, Berdicheve Road, Kiryas Joel NY

SPDES Permit Identification Number: NVR10X832

Dear Mr. Schwartz:

Please find enclosed a Request for Information ("RFI") letter, which the U.S. Environmental Protection Agency ("EPA") Region 2 is issuing to the U.T.A Mesivta of Kiryas Joel, Inc. ("UTA Mesivta") pursuant to Sections 308(a) of the Clean Water Act ("CWA"), 33 U.S.C. § 1318(a). The EPA is issuing the RFI letter to require UTA Mesivta to provide specific information regarding the conditions of the of the subject construction site.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. § 1311, the EPA shall require the submission of any information reasonably necessary to make such a determination. Under the authority of Section 308 of the CWA, EPA may require the submission of information necessary to assess the compliance status of any facility/site and its related appurtenances.

On September 18, 2014, EPA conducted a Reconnaissance Inspection at the UTA Mesivta construction sites on Berdicheve Road. The enclosed inspection report lists potential non-compliance items that must be corrected to ensure compliance with the CWA and the State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Construction Activity ("CGP").

REQUEST FOR INFORMATION

UTA Mesivta is hereby required, pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), to submit the following documents and requested information regarding the subject construction sites on Berdichev Road Kiryas Joel, New York.

Within fifteen (15) days of receipt of this letter the UTA Mesivta must submit to EPA:

- 1. a written response with the actions (including a schedule) that the UTA Mesivta has taken or will take to address each of the potential non-compliance items identified in the enclosed inspection report.
- 2. the current installation and/or operational status of the: dry pond at the upper site, the bioretention areas 1, 2, 3 and 4 that are identified in the Site Plans for the Upper and Lower Sites, and the sediment trap and check dams identified in the Erosion Control Plan at the Lower Site. If these items have not yet been installed, please provide a written explanation of the failure to install these Best Management Practices ("BMPs") along with a schedule to install these BMPs under paragraph 1 above.
- 3. a revised Stormwater Pollution Prevention Plan ("SWPPP") that is fully compliant with the CGP and addresses EPA's comments on the SWPPP contained in the attached inspection report.
- 4. the status of the UTA Mesivta's penalty payment under CWA-02-2014-3311

CERTIFICATION

Any documents to be submitted by UTA Mesivta as part of this RFI shall be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 C.F.R. § 122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All information required to be submitted pursuant to this Request for Information shall be sent by certified mail or its equivalent to the following addresses:

Justine Modigliani, Chief Compliance Section Water Compliance Branch Division of Enforcement and Compliance Assistance 290 Broadway, 20th Floor New York, NY 10007-1866 Joseph DiMura, P.E., Director
Bureau of Water Compliance Programs
Division of Water, NYSDEC
625 Broadway
Albany, NY 12233-3506

For further information on EPA's Stormwater Program such as Best Management Practices and Stormwater Controls see EPA's website at http://cfpub2.epa.gov/npdes/stormwater/const.cfm and the New York State Department of Environmental Conservation's (NYSDEC) website at http://www.dec.ny.gov/chemical/8468.html.

Should you have any questions regarding this request, feel free to have your staff contact Justine Modigliani, P.E., Chief, Compliance Section at (212) 637-4268.

Sincerely,

Doughlas McKenna, Chief Water Compliance Branch

Division of Enforcement and Compliance Assistance

Enclosures

cc: Edward Hampston, NYSDEC via Quick Place

Gedalye Szegedin, Village Administrator, Village of Kiryas Joel

Patrick Ferracane, NYSDEC Region 3, Via Email Natalie Browne, NYSDEC Region 3, Via Email

Kirk Rother, P.E. Consulting Engineer for U.T.A Mesivta Lipa Gross, Registered Agent, U.T.A Mesivta of Kiryas Joel

Jacob Sofer, UTA Mesivta, via email

United States Environmental Protection Agency WashIngton, D.C. 20460 Water Compliance Inspection Report					rt			OM	ΒN	Approviol. 20- val exp	40-0			8								
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	Not Contacted During Sept. 2014 Inspection																					
Kirl	Kirk Rother, P.E., Consulting Engineer 845 988-0620, krother@kirkbrother.com																					
Jac	Jacob Sofer, Developer in Kiryas Joel, but said not to be affiliated with the site.																					
Name(s) and Signature(s) of Inspector(s)					Agency/Office/Phone and Fa				d Fax	Nur	Numbers					Da	te		_+			
Murray Lantner, P.E., Env. Eng.					EPA/WCB/(212) 637-3976/FAX: 637-4211 EPA/WCB/(212) 637-4277 //////					14												
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INSTRUCTIONS Section A: National Data System Coding (i.e., PCS)

Column 1: Transaction Code: Use N, C, or D for New, Change, or Delete. All inspections will be new unless there is an error in the data entered

Columns 3-11: NPDES Permit No. Enter the facility's NPDES permit number - third character in permit number indicates permit type for U=unpermitted, G=general permit, etc. (Use the Remarks columns to record the State permit number, if necessary.)

Columns 12-17: Inspection Date. Insert the date entry was made into the facility. Use the year/month/day format (e.g., 04/10/01 = October 01, 2004).

Column 18: Inspection Type*. Use one of the codes listed below to describe the type of inspection:

A B	Performance Audit Compliance Biomonitoring	U X	IU Inspection with Pretreatment Audit Toxics Inspection	i	Pretreatment Compliance (Oversight)
С	Compliance Evaluation (non-sampling)	Ż	Sludge - Biosolids	@	Follow-up (enforcement)
D	Diagnostic	#	Combined Sewer Overflow-Sampling	•	· onow-up (cinorcement)
F	Pretreatment (Follow-up)	\$	Combined Sewer Overflow-Non-Sampling	Į	Storm Water-Construction-Sampling
G	Pretreatment (Audit)	+	Sanitary Sewer Overflow-Sampling	•	Ctorin Water-Constituction-Camping
-1	Industrial User (IU) Inspection	&	Sanitary Sewer Overflow-Non-Sampling	1	Storm Water-Construction-Non-Sampling
J	Complaints	1	CAFO-Sampling	,	Ctorm Water-Construction-Non-Sampling
М	Multimedia	=	CAFO-Non-Sampling		Storm Water-Non-Construction-Sampling
N	Spill	2	IU Sampling Inspection	•	Ctom Water-Will-Constituction-Sampling
0	Compliance Evaluation (Oversight)	3	IU Non-Sampling Inspection	~	Storm Water-Non-Construction-
Р	Pretreatment Compliance Inspection	4	IU Toxics Inspection		Non-Sampling
R	Reconnaissance	5	IU Sampling Inspection with Pretreatment		Storm Water-MS4-Sampling
S	Compliance Sampling	6	IU Non-Sampling Inspection with Pretreatment		Storm Water-Wor-Gampling
	,	7	IU Toxics with Pretreatment	-	Storm Water-MS4-Non-Sampling
			The state of the s	>	Storm Water-MS4-Audit

Column 19: Inspector Code. Use one of the codes listed below to describe the lead agency in the inspection.

A — State (Contractor) B — EPA (Contractor) E — Corps of Engineers J — Joint EPA/State inspect L — Local Health Departme N — NEIC Inspectors	ctorsEPA Lead ent (State)	 O— Other Inspectors, Federal/EPA (Specify in Remarks columns) P— Other Inspectors, State (Specify in Remarks columns) R — EPA Regional Inspector S — State Inspector T — Joint State/EPA Inspectors—State lead
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Column 20: Facility Type. Use one of the codes below to describe the facility.

- 1 Municipal. Publicly Owned Treatment Works (POTWs) with 1987 Standard Industrial Code (SIC) 4952.
- 2 Industrial. Other than municipal, agricultural, and Federal facilities.
- 3 Agricultural. Facilities classified with 1987 SIC 0111 to 0971.
- 4 Federal. Facilities identified as Federal by the EPA Regional Office.
- 5 Oil & Gas. Facilities classified with 1987 SIC 1311 to 1389.

Columns 21-66: Remarks. These columns are reserved for remarks at the discretion of the Region.

Columns 67-69: Inspection Work Days. Estimate the total work effort (to the nearest 0.1 work day), up to 99.9 days, that were used to complete the inspection and submit a QA reviewed report of findings. This estimate includes the accumulative effort of all participating inspectors; any effort for laboratory analyses, testing, and remote sensing; and the billed payroll time for travel and pre and post inspection preparation. This estimate does not require detailed documentation.

Column 70: Facility Evaluation Rating. Use information gathered during the inspection (regardless of inspection type) to evaluate the quality of the facility self-monitoring program. Grade the program using a scale of 1 to 5 with a score of 5 being used for very reliable self-monitoring programs, 3 being satisfactory, and 1 being used for very unreliable programs.

Column 71: Biomonitoring Information. Enter D for static testing. Enter F for flow through testing. Enter N for no biomonitoring.

Column 72: Quality Assurance Data Inspection. Enter Q if the inspection was conducted as followup on quality assurance sample results. Enter N otherwise.

Columns 73-80: These columns are reserved for regionally defined information.

Section B: Facility Data

This section is self-explanatory except for "Other Facility Data," which may include new information not in the permit or PCS (e.g., new outfalls, names of receiving waters, new ownership, other updates to the record, SIC/NAICS Codes, Latitude/Longitude).

Section C: Areas Evaluated During Inspection

Check only those areas evaluated by marking the appropriate box. Use Section D and additional sheets as necessary. Support the findings, as necessary, in a brief narrative report. Use the headings given on the report form (e.g., Permit, Records/Reports) when discussing the areas evaluated during the inspection.

Section D: Summary of Findings/Comments

Briefly summarize the inspection findings. This summary should abstract the pertinent inspection findings, not replace the narrative report. Reference a list of attachments, such as completed checklists taken from the NPDES Compliance Inspection Manuals and pretreatment guidance documents, including effluent data when sampling has been done. Use extra sheets as necessary.

*Footnote: In addition to the inspection types listed above under column 18, a state may continue to use the following wet weather and CAFO inspection types until the state is brought into ICIS-NPDES: K: CAFO, V: SSO, Y: CSO, W: Storm Water 9: MS4. States may also use the new wet weather, CAFO and MS4 inspections types shown in column 18 of this form. The EPA regions are required to use the new wet weather, CAFO, and MS4 inspection types for inspections with an inspection date (DTIN) on or after July 1, 2005.

SUMMARY OF FINDINGS/COMMENTS

A. <u>INTRODUCTION:</u>

Murray Lantner, P.E (Division of Enforcement and Compliance Assistance - Water Compliance Branch) and Dan D'Agostino (Clean Water Division) of the United States Environmental Protection Agency ("EPA") conducted a Reconnaissance Inspection ("RI" or "Inspection") at the U.T.A Mesivta of Kiryas Joel Upper and Lower school construction sites on September 18, 2014. The Upper (North) and Lower (South) sites are located on a plot of land that is approximately 22.5 acres along Berdichev Road within the Village of Kiryas Joel. The Upper construction site is approximately 1.9 acres, located on the northern portion of the parcel. The Lower site is approximately 2.1 acres, located approximately 0.2 miles south of the Upper site. A more detailed report was conducted by EPA following its April 8, 2014 Compliance Evaluation Inspection.

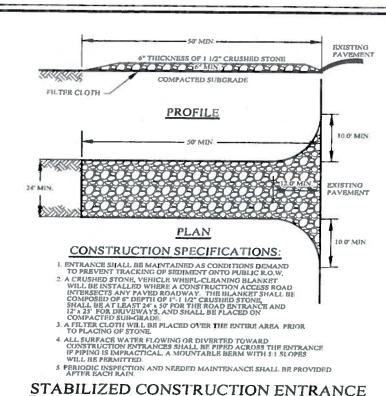
Forest Brook a Class C Stream runs alongside the Upper site and crosses the entrance road to the Upper Site through a pipe. Once the stream crosses the entrance road, it then resumes flowing in an open channel towards the lower site. At the lower site the stream enters a culvert and flows beneath the lower site. The stream exits the pipe on the southeast corner of the lower site and then resumes running through an open channel. The upper and lower sites both discharge into Forest Brook via both discrete conveyances (pipes, ditches, swales) as well as by overland flow. Forest Brook flows into Tributary No. 25 which then flows into the Ramapo River. This September 2014 inspection was conducted during dry weather and there was flow in Forest Brook.

The U.T.A Mesivta received Permit coverage for its construction site on April 14, 2014 under Permit Identification Number NYR10X832. Prior to April 14, 2014, stormwater discharges associated with construction activity were not authorized by a Permit required by Sections 301 and 402 of the Clean Water Act. As a result of this non-compliance the UTA Mesivta of KJ agreed to pay a penalty of \$15,000 via Expedited Settlement Agreement CWA-02-2014-3311. However as of November 4, 2014 this penalty payment has not been paid and is past due.

B. POTENTIAL NON COMPLIANCE ITEMS

- 1. <u>Lower (Southern) Site:</u>
- a. As shown in photos 320 and 321 the slopes at the lower site were not stabilized and there were not stormwater Best Management Practices ("BMPs") in place at portions of the site near the stream. The Erosion Control Plan for the Lower site specifies that there will be silt fencing along the southwestern boundary of the site (See Erosion Control Plan Attachment 2)
- b. As shown in photo (318) the construction entrance at the lower site, especially the more downhill (southern) entrance closer to Schunnemunk Road site does not have the required 6" thickness of 1.5" crushed stone over the entire 50' length of the construction entrance as required in the SWPPP's construction details. See below. Additionally, filter cloth was not seen below the stone as specified in the construction details. The construction entrance has not been properly maintained and/or installed in accordance with the SWPPP and the sites's Erosion Control Plan (See Stabilized Construction Entrance specifications from the U.T.A Mesivta's erosion control plan below). The Stabilized Construction Entrance is in need of maintenance and also does not conform with Section 5A of the NYS Standards and Specifications for Erosion and Sediment Control. Furthermore as shown in Attachments 2 and 4 this Southern Entrance at the Lower Site is not included in the

Erosion Control Plan or Site Plan as required by Part III.B.1 of the CGP, only the northern entrance to the Lower Site is shown on these drawings.



- NOT TO SCALE
- c. As shown in photo No. 326, the flow path near the upstream portion of the site at the headwall where the stream flows into an underground conduit needs to be stabilized and additional Stormwater Best Management Practices in this area should be employed.
- d. Section VI, Erosion Control, of the SWPPP indicates that mulching will be installed at the site. When the site was inspected in April 2014 there was mulch over much of the site. During this September 2014 inspection as shown in photographs 318 to 321, 327, and 328 do not show mulching being utilized on unstabilized areas of this site. Additionally the SWPPP specifies that temporary seeding will be utilized in all areas that are expected to remain disturbed for a period of 14 days.
- e. Photo 328 shows a pile of construction debris not stored in dumpster or kept under cover. The site map does not show the waste storage location as required by Part III.B.1.b of the CGP and the SWPPP does not contain a description of the pollution prevention measures that will be used to control litter, concrete washout, fueling, and construction chemicals from becoming a pollutant source in the stormwater discharges s required by Part III.B.1.j of the CGP. UTA Mesivta must modify its SWPPP (for both the upper and lower sites) to include the waste storage locations and pollution prevention measures and resubmit the SWPPP to EPA with fourteen (14) days to include provisions for waste storage and pollution prevention.
- f. The Site Plan for the Lower Site (Attachment 4) specifies that there will be two bio-retention areas (No. 3 and 4) with filter bed areas of 1,715 and 1,585 sq. ft respectively. Neither of these bio-retention areas was detected during the inspection. Section VII, Construction Sequence, of the SWPPP sates that the bio-retention areas will be shaped and overflow structures installed.

g. The Erosion and Sediment Control Plan (Attachment 2) for the lower site specifies that a sediment trap and series of check dams were to be constructed. The sediment trap and check dams were not detected during the inspection. What is the status of construction of the sediment trap and check dams at the Lower Site.

2. Upper (Northern) Site:

- a. As shown in photos 330 and 331 there were bare spots in the vegetative cover. Please ensure that the proper vegetative cover (80% coverage) is achieved on the site some bare spots were seen on site.
- b. As shown in the photo 332 there was construction debris and waste material not properly stored. This material should be stored in a covered dumpster and properly disposed of. As described above the SWPPP does not contain the measures for waste storage and pollution prevention as required by Parts III.B.1.b and III.b.1.j of the CGP.
- c. The Site Plan for the Upper Site (Attachment 5) specifies that there will be two bio-retention areas (No. 1 and 2) with filter bed areas of 920 and 2,465 sq. ft respectively. Neither of these bio-retention areas was detected during this inspection.

ATTACHMENTS

Attachment 1 – Photographs

Attachment 2 - Erosion Control Plan Lower Site

Attachment 3 – Erosion Control Plan Upper Site

Attachment 4 – Site Plan for Lower (South) Site.

Attachment 5 – Site Plan for Upper (North) Site.

Attachment 6 – Construction Details

Attachment 1- Photographs taken at the UTA of Mesivta Upper (North) and Lower (South) Sites on September 18th, 2014. Taken by Murray Lantner, P.E., Environmental Engineer, Nikon Coolpix P510, EPA Region 2, DECAWCB

Photo ID No.	UTA Mesivta Site	Photo Description
DSCN2318	Lower	Southern Site Entrance to Lower Site (Closer to Schunnemunk Road. Note that the Site Entrance had bare spots and was not 50' long.
DSCN2319	Lower	Unstabilized slopes at the southern portion of the lower site. Piping appears to be set upon the silt fence.
DSCN2320	Lower	Unstabilized slopes at the southern portion of the lower site. Leading down to Forest Brook, which is shown in the photo. Silt fencing is shown in part of the photo. But in other parts of the photo silt fence missing or not maintained.

Attachment 1- Photographs taken at the UTA of Mesivta Upper (North) and Lower (South) Sites on September 18th, 2014. Taken by Murray Lantner, P.E., Environmental Engineer, Nikon Coolpix P510, EPA Region 2, DECAWCB

Photo ID No.	UTA Mesivta Site	Photo Description
DSCN2321	Lower	Unstabilized slopes at the southern portion of the lower site. Leading down to Forest Brook, which is shown in the photo. Silt fencing is shown in part of the photo. But in other parts of the photo silt fence missing or not maintained.
DSCN2322	Lower	Rock lined diversion swale along eastern boundary of the site.
DSCN2323	Lower	Rock lined diversion swale along eastern boundary of the site.
DSCN2324	Lower	Water flowing in Forest Brook at the upstream (northern) end of the Lower site. This is the location where the northern portion of the diversion swale enters the stream.
DSCN2325	Lower	Rock lined diversion swale along eastern boundary of the site.
DSCN2326	Lower	Gap in headwall at the northern end of the site that flows into Forest Brook. Rocks were placed in the eroded flow path here, but there were flow paths around the rocks that should be stabilized/additional BMPS used.
DSCN2327	Lower	Northern Site Entrance to Lower Site (Closer to Schunnemunk Road. Note that the Site Entrance had bare spots. Needed to be stabilized/maintained in accordance with SWPPP design
DSCN2328	Lower	Waste Pile, not covered and not stored in container.
DSCN2329	Lower	Southern Site Entrance to Lower Site (Closer to Schunnemunk Road. Note that the Site Entrance had bare spots and was not 50' long.
DSCN2330	Upper	Dry Pond at Upper Site
DSCN2331	Upper	Slope leading down to Forest Brook. There were some bare spots without vegetation that had not yet achieved final stabilization.
DSCN2332	Upper	Construction debris scattered around the UTA Mesivta building at the upper site.

Attachment 1

UTA Mesivta of Kiryas Joel,

September 18, 2014. Unedited Photos, Nikon Coolpix P510 Murray Lantner, P.E. Env. Eng. EPA Region 2, DECA-WCB



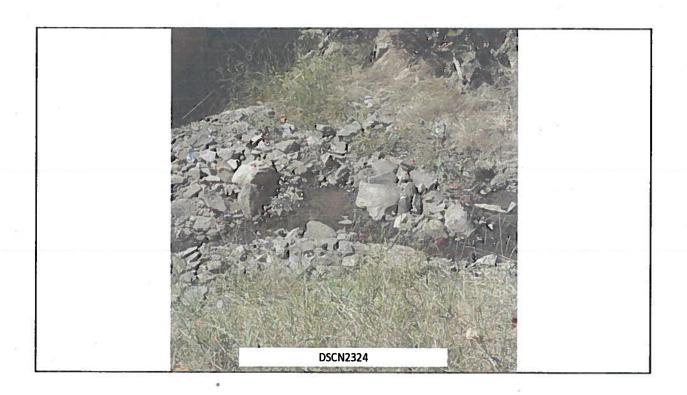


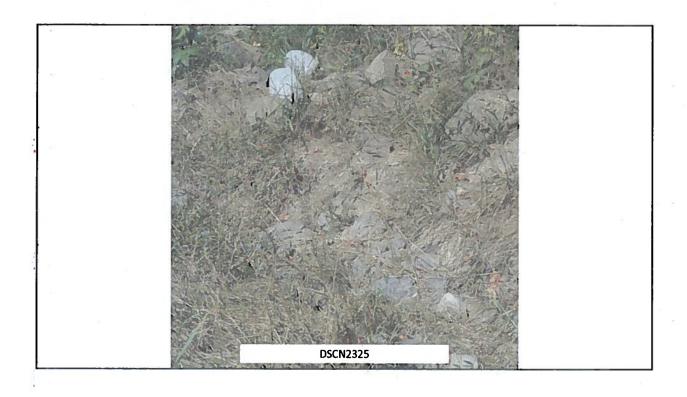


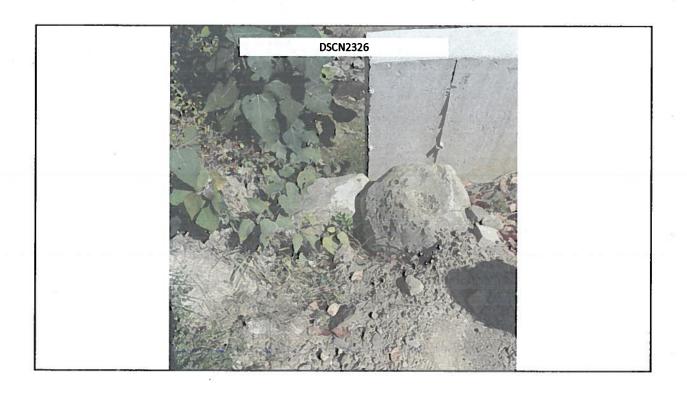


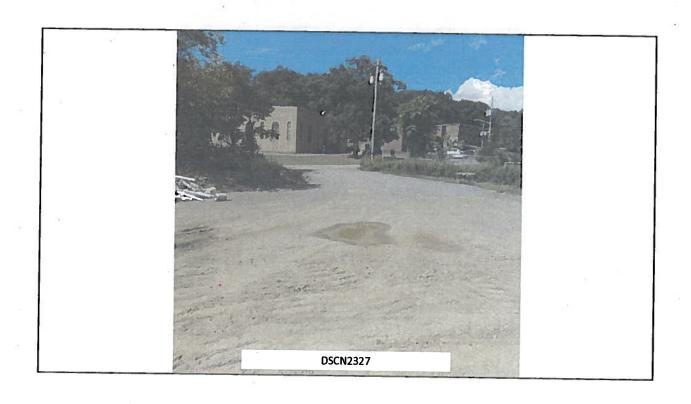


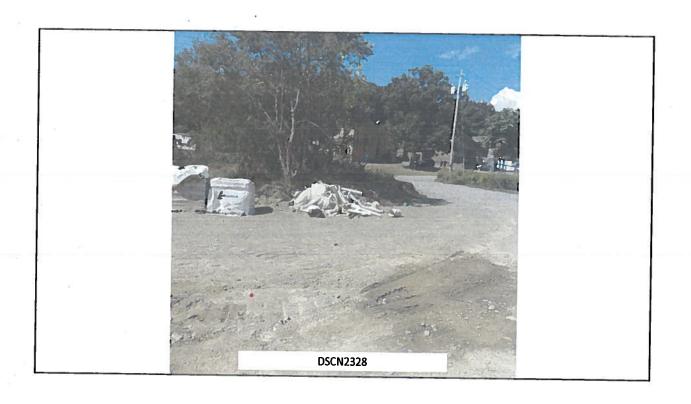


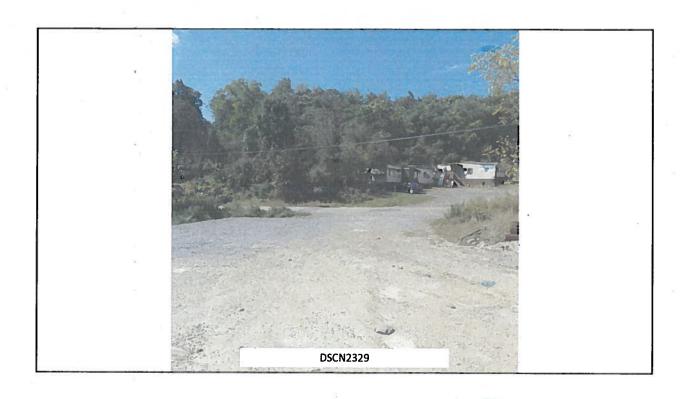


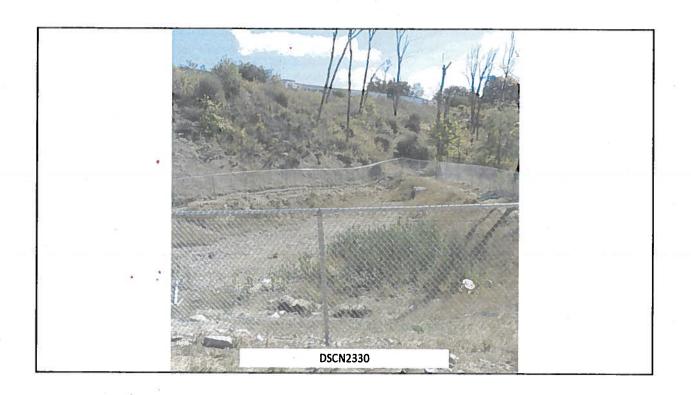


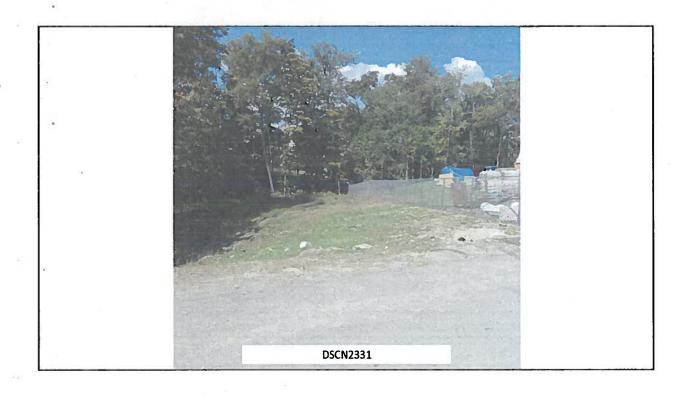




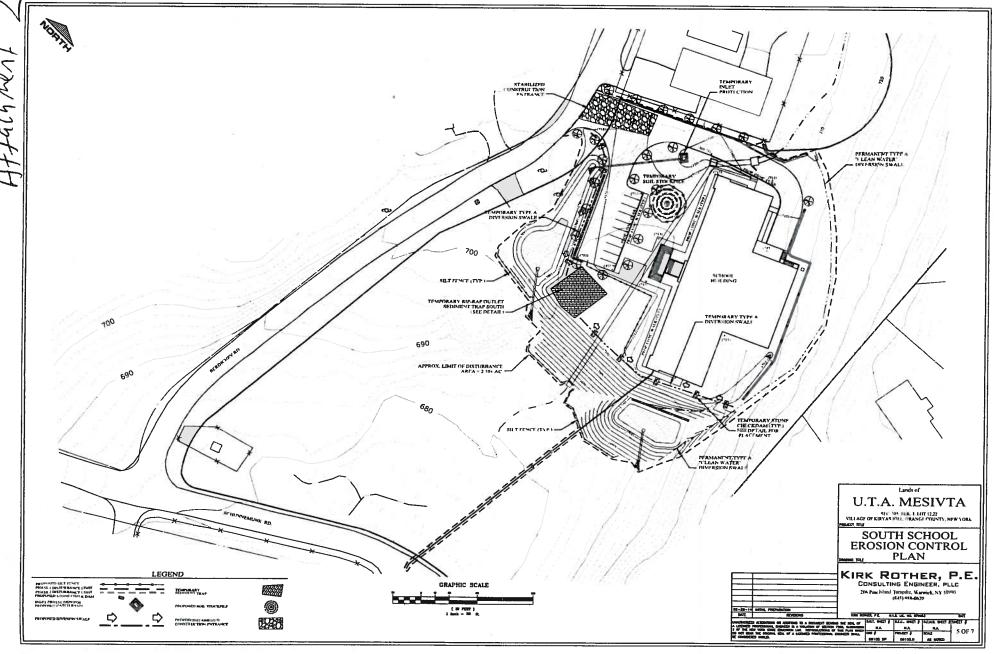


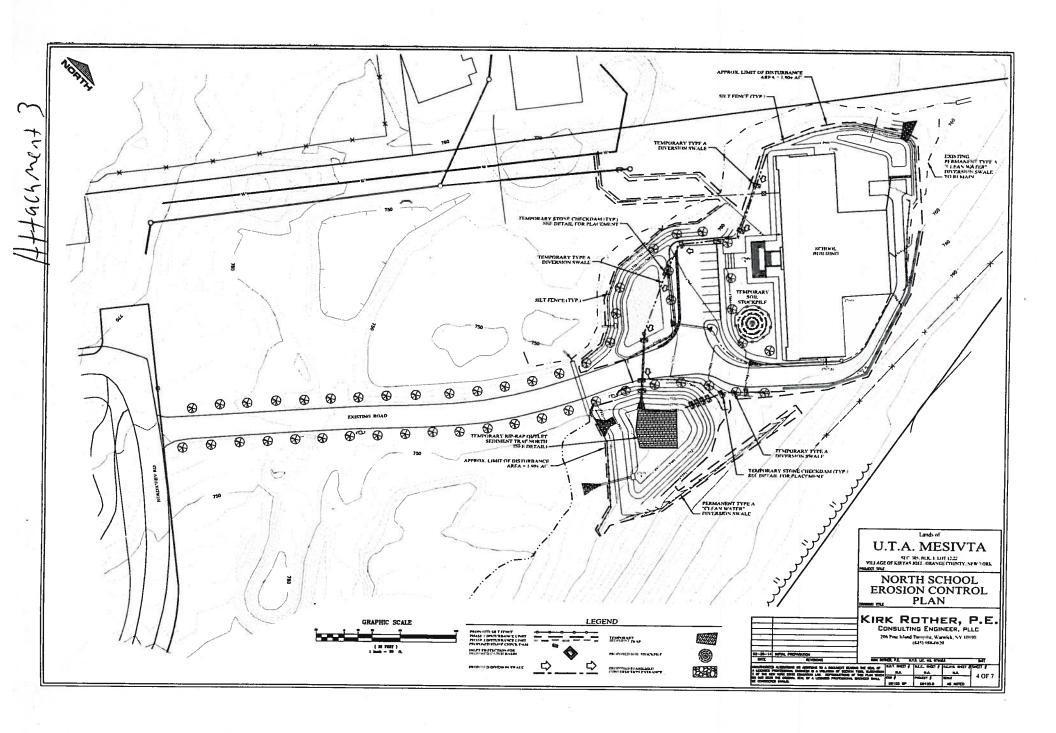




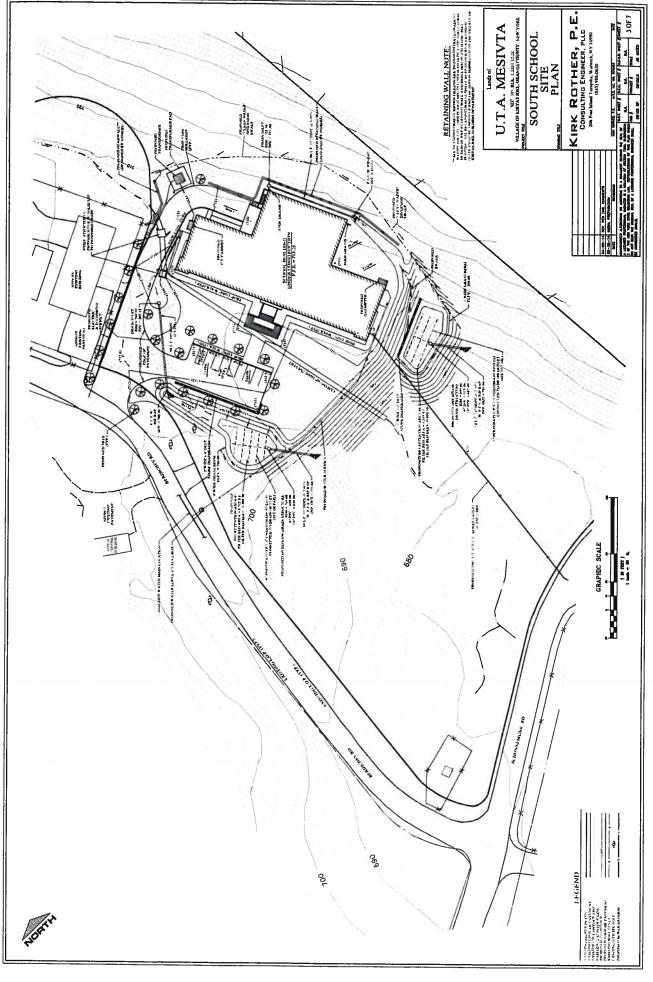








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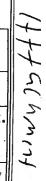
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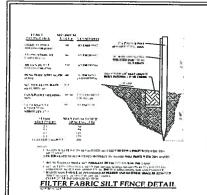
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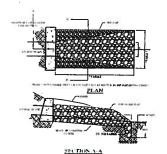
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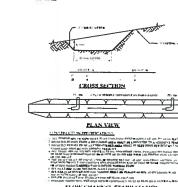
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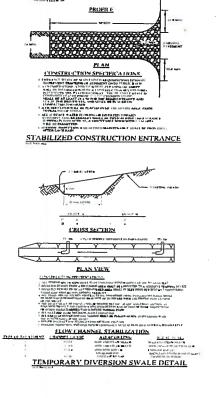




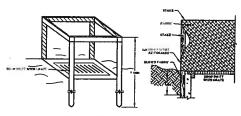


RIP-RAP OUTLET DETAIL







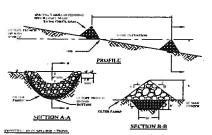


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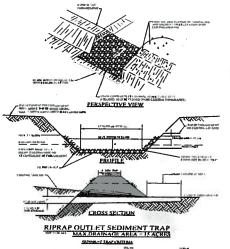
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SEC. 305. BLK. 1, LOT 12.22 VILLAGE OF KIRYAS JOEL, DRANGE COUNTY, NEW YORL

EROSION CONTROL DETAILS

		KIRK ROTHER, P.E CONSULTING ENGINEER, PLLC 20th Prince Island Tempille, Warmark, NY 10990 (845) 988-0620
14	water, PREPARATION	

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